

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MYRON A. MANIER,

Petitioner,

NO. CV-07-008-EFS

vs.

JEFF UTECK,

Respondent.

**ORDER GRANTING MOTION TO
VOLUNTARILY DISMISS ACTION**

By Order filed June 27, 2007, the Court directed Mr. Manier to file a Second Amended Petition as the First Amended Petition named an incorrect party respondent. Rather than amend, Petitioner submitted a letter dated July 23, 2007, stating he has been separated from his legal property and would be unable to meet the July 27, 2007 deadline. He asked to voluntarily dismiss this case with leave to re-file it at a later date. Mr. Manier's letter is liberally construed as a "Motion to Voluntarily Dismiss" (Ct. Rec. 13).

Petitioner is admonished he will be subject to all timeliness and exhaustion requirements should he chose to pursue a habeas action at a future date. Petitioner has sought leave to voluntarily dismiss this action; Respondent has not been served. Accordingly, **IT IS ORDERED** Petitioner's Motion (Ct. Rec. 13) is **GRANTED** and this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure

1 41 (a) .

2 **IT IS SO ORDERED.** The District Court Executive is directed to
3 enter this Order, enter judgment, forward copies to Petitioner and close
4 this file.

5 **DATED** this 9th day of August, 2007.

6
7

s/Edward F. Shea
8 EDWARD F. SHEA
9 UNITED STATES DISTRICT JUDGE

10 Q:\Civil\2007\7cv08efs-8-3-vdishc.wpd